

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

THOMAS O'SULLIVAN,

Plaintiff,

-against-

9:10-CV-0440 (LEK/GHL)

BRIAN FISCHER,

Defendant.

DECISION and ORDER

This matter comes before the Court following a Report-Recommendation filed on August 15, 2011 by the Honorable George H. Lowe, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 13).

Within fourteen days after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," FED. R. CIV. P. 72(b), in compliance with L.R. 72.1. No objections have been raised in the allotted time with respect to Magistrate Judge Lowe's Report-Recommendation. Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly; it is hereby

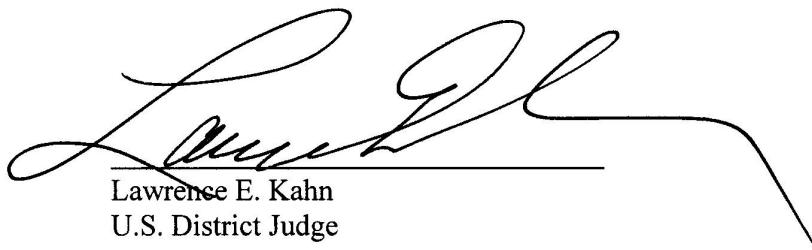
ORDERED, that the Report-Recommendation (Dkt. No. 13) is **APPROVED** and
ADOPTED in its **ENTIRETY**; and it is further

ORDERED, that Defendants' Motion to dismiss for failure to state a claim (Dkt. No. 12) is
GRANTED with leave to amend within thirty days of this order; and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: September 08, 2011
Albany, New York



A handwritten signature in black ink, appearing to read "Lawrence E. Kahn". Below the signature, there is a horizontal line under the name.

Lawrence E. Kahn
U.S. District Judge